



IDAHO STATE SENATE


Hal Bunderson
Senator, District 14
Western Ada County

State Capitol Building
P.O. Box 83720
Boise, Idaho 83720-0081

582 River Heights Drive
Meridian, Idaho 83642
(208) 888-7156

MEMORANDUM

To: John McAllister
2002 Blue Ribbon Task Force

From: Senator Hal Bunderson 

Date: November 25, 2002

Enclosed is a summary of eleven responses received thus far from the survey on determining the cost of alcohol abuse in Idaho.

Certain of the responses are not complete and in process. Other responses are also in process but not yet received.

Enclosed are three complete responses for the Task Force's detail information.

As the other responses are received, we will be pleased to make any and all responses available upon request.



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Hal Bunderson
Senator, District 14
Western Ada County

September 27, 2002

MEMORANDUM

TO: Attorney General, State of Idaho
Administrative Director, Idaho Supreme Court
Director, Idaho Department of Correction
Director, Idaho Department of Health and Welfare
Director, Idaho Department of Juvenile Corrections
Executive Director, Commission for Pardons and Parole
Director, Idaho State Police
Director, Idaho Transportation Department
Idaho Counties:
Sheriffs
Prosecuting Attorneys
Idaho Cities:
Chiefs of Police

FROM: Senator Hal Bunderson 

The purpose of this letter is to request that you perform an evaluation and quantify the cost effects of alcohol abuse on the governmental entity for which you have responsibility or knowledge. In capturing this information, please use the most recent complete year (either fiscal or calendar) for which your organization has complete data.

If you do not have precise information available, or if you find that alcohol abuse may be coincident with abuse of other mind-altering substances, please use your educated judgment as to the cost of the alcohol problem in your jurisdiction. In those cases, written underlying assumptions should accompany such judgments.

The reason for my request is equity in taxation. State, county and city government general funds have been paying for the rapidly increasing cost of alcohol abuse for decades, while state law has frozen the beer and wine tax paid by distributors. Generally, most consumers don't even realize there are separate beer and wine taxes in Idaho. Beer taxes are 8.4 cents per six-pack and have not changed since 1961. Wine tax is set at 45 cents per gallon and has not changed since 1971. While beer and wine have gone up in price by an estimated 300% to 400% over the same period, tax collections for the same volume of beverage sold has remained flat.

Recent shortfalls in state revenues have made it clear there is a need for a thorough evaluation and prioritization of each budgeted cost element and the revenue source through annual performance plans and accountability reporting as required by Idaho Code §67-1903. In the case of statewide costs of alcohol abuse, there has been no analysis of the total fiscal impact alcohol abuse has on the budgets of state, county and city governments and private business compared to the tax revenue produced by the sale of alcoholic beverages.

In addition to any data you may have on the costs of alcohol abuse in your jurisdiction, this is an opportunity to share your concerns on the day-to-day impacts that alcohol abuse has on your community. Your input is critical for a thorough analysis of the shortcomings in current service deliveries. Please discuss what services may be necessary to appropriately deal with public drunkenness, DUI, spousal and child abuse, assault, robbery, underage drinking, and alcohol-related behaviors associated with domestic violence, sex crimes, child neglect and abuse, truancy, teenage pregnancy, fetal alcohol syndrome, and any other physical, mental, or developmental consequences of alcohol consumption.

With additional resources, state and local governments could improve public safety and return persons back to their families and into contributing members of society if together we can:

- *Better identify, evaluate, and get help for persons who are addicted and/or abuse alcohol to the detriment of public safety.*
- *Build accountability systems to ensure that identified individuals are held accountable to get treatment and accept punishment through the criminal justice system when appropriate.*
- *Reduce inmate population growth in jails and state prisons by diverting nonviolent addicted offenders to community-based programs when the effects of alcohol abuse are shown to be a primarily cause of criminal behavior.*
- *Deliver cost-effective detoxification and substance abuse treatment for persons identified by law enforcement, the courts, corrections officials, private medical providers, and social service and public health agencies.*

If you have questions concerning this effort to collect information, please contact me at my home address and telephone number printed on page 1 of this memorandum. I appreciate your attention to this important matter.

You may also contact Cathy Holland-Smith at Legislative Services Office, 334-3531 if you need assistance. Please mail your response to:

Legislative Services Office
Budget & Policy Analysis
Attn: Cathy Holland-Smith
PO Box 83720
Boise, ID 83720-0054

INFORMATION COLLECTED ON THE IMPACTS OF ALCOHOL ABUSE TO LOCAL AND STATE GOVERNMENTS IN IDAHO

| Agency Name | Type Agency | Contents | Dollar Amount Identified |
|---|-------------|--|---|
| Office of Attorney General | State | "office does not have information" | No amount identified. |
| Nampa Police Dept. <i>*response included</i> | City | Detailed description of services provided to citizens by the police department. | \$76,965 |
| Transportation Department | State | Detailed description of funding for various programs relating to highway safety, license suspension due to alcohol and drug use with federal and dedicated funds. Statistics about impaired driving from 1997 through 2001. | \$1,009,745 |
| Lewiston Police Department | City | Information about DUI, domestic violence, alcohol violations committed by juveniles, and alcohol violation by adults. | \$100,000 included one vehicular fatality |
| Benewah Cty Prosecuting Attorney | County | Anecdotal information about the impacts of alcohol and drug crime like "most", or "significant" when describing. | No amount identified. |
| Idaho State Police <i>*response included</i> | State | Detailed information about the cost and impact to the agency and its responsibilities relating to alcohol use. Includes up-to-date statistics on the role of alcohol on criminal activity statewide. | Agency cost \$5.2M Cost to society for fatality crashes \$216M. |
| Rathdrum Police Department | City | Listing of crimes indicative of alcohol use or abuse in jurisdiction. | No amount identified. |
| Health & Welfare (additional information on alcohol-related disease/social services requested) | State | Information about the cost of providing substance abuse treatment related to alcohol use in FY 2002 from client information system. Other referrals to national publications. | \$4,012,736 |
| Dept. of Correction | State | Description of costs of persons incarcerated with alcohol related crimes, estimated costs if using generally accepted percentages of persons with alcohol/drug addiction issues in prisons. The department also describes the challenges when trying to access services for addicted probationers and parolees in the communities when they relapse. Programs do not address the needs of offender addicts, transportation issues for people who have lost driving privileges, lack of treatment for family units, non-availability of detox beds, high expense of private treatment. Many treatment providers cannot accept individuals needing medical detoxification. | -Alcohol related incarceration: \$7.7 million -81% of incarcerated with addiction problems: \$99.7 million -Treatment costs spent in prison system: \$2.3 million |

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| Agency Name | Type Agency | Contents | Dollar Amount Identified |
|---|-------------|--|--|
| Idaho Supreme Court <i>*response included</i> | State | Describes how the Courts are impacting the alcohol abuse problem with Drug Courts providing community safety, accountability, and treatment. Detailed analysis of impact that cases where alcohol and substance abuse are major factors impact the court system. Interviewed judges to obtain "educated judgment factor." The Courts continue to argue for substance abuse assessment, treatment and sentencing alternatives as a priority for state and local government to stop the "revolving door" of addicted persons/families in the criminal justice system. | State and county resources \$37.5 million |
| Dept. of Juvenile Corrections <i>(additional information on costs of state treatment services forthcoming)</i> | State | Explains most juveniles are not committed to the department for alcohol crimes, because alcohol specifically is a status offense and not a crime if committed by an adult. Substance abuse treatment is a priority within the department, and confirmed by the community and judges as an unmet need with the juvenile delinquent. Recently the Lewiston facility was converted to a 24-bed therapeutic community targeting substance use. Most juveniles in trouble are managed at the local level, and the difficulty in accessing treatment can delay intervention for months. The department identified those costs associated with community pass-through grants and RSAT grants. | -\$360,000 community grants -\$100,000 Residential Substance Abuse Treatment grants |
| | | Reported Total for 11 Jurisdictions Request Mailed to 120 Jurisdictions | \$56,059,446 |



NAMPA POLICE DEPARTMENT

211 12TH AVENUE SOUTH • NAMPA, IDAHO 83651

CURTIS A. HOMER
CHIEF OF POLICE

TIMOTHY L. VINCENT
ASSISTANT CHIEF OF POLICE

OCT 29 2002

ADMINISTRATION: (208) 465-2275
DISPATCH: (208) 465-2257
DETECTIVE DIVISION: (208) 465-2233
RECORDS DIVISION: (208) 465-2232
FAX: (208) 465-2405

STAMPEDE SUBSTATION
320 STAMPEDE DR.
(208) 465-2311
FAX: (208) 465-2318

WEST SUBSTATION
2105 N. CASSIA
(208) 465-2411
FAX: (208) 465-5511

To: Honorable Hal Bunderson
Idaho State Senator

October 7, 2002

From: Lieutenant Bill Augsburger
Nampa Police Department

Senator Bunderson:

This letter is in reply to your September 27th, 2002 memorandum requesting information on the estimated costs relating to enforcement of alcohol related crimes.

As you know, substance and alcohol abuse account for a large part of the daunting task of law enforcement throughout the world. Police officers from almost any place on the globe will attest to the toll that substance abuse takes on a society. While many members of society are able to use alcohol without adverse effects on those around them, many cannot. Due to abuse of substances and alcohol, people are injured and sometimes killed.

The Nampa Police Department does track the arrests and summonses of alcohol related offenses, as well as domestic violence arrests, which many times are alcohol and substance abuse related. I have completed a task study which will attempt to *generally and minimally quantify* the costs that the Nampa Police Department incur to enforce the following laws;

- Drive Under the Influence
- Open Container violation under state and city codes
- Illegal Consumption and Possession (MIP)
- Illegal Sale of liquor and alcohol

- After Hours sale violations
- Unlicensed Premises violations
- Intoxicated Pedestrians
- And additionally*
- Domestic Violence (assault and battery)

The studies encompass violations as described above, from October 1, 2001 to October 1, 2002. You will see that each violation is stated as *arrested offenses*. Only violations in which an arrest was made or a summons issued are included. Each violation section will show the total estimated personnel hours needed to complete the task, and the *estimated cost* for completion of the task. It should be noted that the average time to complete a task was obtained by a random sampling of each call type, and tabulation of the average time to complete the task. The cost per hour is calculated upon the pay rate and benefit for a patrol level officer, and for support personnel who may be involved.

DRIVE UNDER THE INFLUENCE

In this study year, the Nampa Police Department arrested 222 DUI drivers. DUI enforcement has become a labor intensive and complicated arrest process. There are several long and involved state forms to fill out, in addition to Nampa Police Department forms. Typically, it requires two officers to make the arrest of a DUI driver. These contacts are potentially very hazardous due to the unpredictability of a drinking driver. The contact requires two officers for the FST portion on the roadside, the same two officers to the city facility for DUI processing. The transport to the Canyon County Jail is typically done by one officer. It is estimated that 50% of the DUI arrests will result in a court hearing of one type or another. The Nampa Police Department calculates overtime for court on a four hour minimum. Below is a breakdown of time and money requirements for the offense of DUI.

- 1.74 hours of contact, arrest, processing and booking time for one officer.
- 1.25 hrs of report writing time for one officer.
- 1 hour of time for backup and support officer in Nampa Facility.
- 1 hour of time for evidence clerks to book evidence for case.
- .5 hour of time for records keeping duties per case.
- Cumulative overtime among the cases for court for one officer for this year is 444 hours, calculated at overtime rate.(minimal estimation)

| | |
|--|--------------------|
| Total anticipated and cumulative costs for all DUI arrests | \$38,930.13 |
|--|--------------------|

OPEN CONTAINER OF ALCOHOL

The City of Nampa, as well as the State of Idaho have laws prohibiting possessing open containers in certain public areas and locations. This offense is broken down into two sections for this study. The reason being is that not all people charged with open container are taken into custody; some are released on a summons from the scene. Typically in the study year, virtually all of these violations have some form of evidence to be entered into the system. Court costs are anticipated to be low for this violation, for the study, 25% of the cases will be contested in court, requiring overtime by officers. Many times the contacts with these violators are at night, and a backup officer is almost always on scene. In the study year, 23 people were summonsed and released on this charge, 10 more people were arrested on the charge.

- A summons contact required about .47 hrs to complete
- An arrest for the same offense requires 1.84 hours.
- 1 hour of time for evidence clerk to book evidence for case.
- 1 hour of time for each case report preparation.
- Estimated .25 hours per case for backup officer presence.
- 8.25 anticipated, cumulative overtime hours for court appearance in 25% of total cases.
- .50 hour per case for record management.

Total anticipated costs for all open container violations

\$3,365.84

ILLEGAL CONSUMPTION AND POSSESSION

Like open container violations, not all those charged with the offense were physically arrested. In the study year, 25 people were physically arrested and 31 people were summonsed. Strangely enough, the "time of task" between the two is close. Once again, in this study year, most cases involved evidence which brought a cost for evidence technicians to book and process. This violation is also thought to have a low incidence of court time; again 25% in total cases will be used for court time calculations. Since many of these contacts are made during a disturbance type call, or traffic stop, back up officers are present virtually every time.

- Average arrest time is 1.13 hours per contact.
- Average summons time is 1.06 hours per contact.
- Report preparation time is 1 hour per contact.
- Backup officer at .50 hours per contact.
- Court time hours based on 25% of the 56 arrests.
- Evidence technician to book evidence, 1 hour.
- .50 hours per case for records management

Total anticipated cost for all Illegal Consumption violations

\$5,245.52

SALE OF ALCOHOL TO MINORS

The Nampa Police Department considers this to be a priority for enforcement and engages in enforcement activities regularly. Targeted are both stores and licensed establishments. In the study year 14 people were charged with this violation. In this type of enforcement, two officers are involved in the operation, along with volunteer under age personnel. The incidence of court can be estimated at 50% of all the fourteen cases. Evidence is nearly always present, therefore the need for evidence technician time. Virtually all of these operations are based on overtime rates. (They are extra duty for officers assigned to other duties)

- The average time spent on each charged person on scene is .42 hours
- Backup officer also accumulates .42 hours per contact
- 1 hour per case for evidence processing
- 1 hour per case for report preparation.
- 28 hours of overtime for the 50% of the total 14 cases.
- .50 hours per case for records management.

Total anticipated cost for all "Sale to minors" charges

\$2,078.32

AFTER HOURS SALE OF ALCOHOL

The Nampa Police Department charged 2 people/establishments with this in the study year. This is typically done in a "bar check" type scenario. This would mean that at least two officers would be on scene during the action. It is unlikely that there would be evidence to book. I would anticipate that both charges will entail at least one court hearing each, at overtime rates. (these are usually hotly contested due to licensing issues)

- Each action required .45 hours for the primary officer.
- Backup officer will be on scene for equal time.
- 1 hour report preparation time.
- 8 hours of overtime for courtroom testimony.

Total anticipated cost for all "after hours sales" charges

\$338.63

UNLICENSED PREMISES

One charge of “unlicensed premises” was included in this study year.

- .25 hour was spent on the call.
- 1 hour anticipated for report preparation.
- .25 hour for backup officer.
- Court on this charge is anticipated with 4 hour minimum applying.
- No evidence for booking anticipated.
- .50 hour per case for records management.

Total anticipated cost for this charge.

\$180.54

INTOXICATED PEDESTRIAN

In this study year, 1 person was summonsed and 6 people taken into custody for the offense. The anticipated court overtime is low, 25% is used for this charge. Since the people involved in this type of call are unpredictable, a backup officer is almost always on scene. Evidence taken is not anticipated to be in the amount needed to be included in the study.

- .50 hours for each summons issued.
- 1.23 hours for each physical arrest.
- .50 hour on each contact for backup officer.
- 1 hour report preparation for each case.
- Court overtime based on 25% of the 7 cases.
- .50 hours per case for records management

Total anticipated cost for this charge.

\$418.78

DOMESTIC BATTERY

Domestic Battery, a devastating crime against family members is a burgeoning problem in society. Many times, the offender, or the victim, and sometimes both are using alcohol at the time of the incident. The number is significant enough to warrant inclusion in this study. Since domestic violence is a hazardous call to respond to, two officers are sent to each call. Overtime costs for these arrests can be anticipated to be higher than other calls. A 50% rate is used in this study. The time to prepare paperwork is also high, there are many pages of reports to fill out, as well as other forms required such as "No contact orders" etc... Evidence is virtually always involved, and sometimes many pieces for one case.

- There were 106 alcohol related domestic disturbance arrests in the study period.
- 2 hours of on scene investigation by primary officer, includes prisoner transport and booking time.
- 1 additional hour for report preparation.
- 1 hour of backup officer time for on scene investigation assistance.
- Half of the 106 cases are anticipated to have overtime court costs involved. Minimum overtime hours of 4 for each of the 53 cases.
- .50 hours per case for records management.
- 1 hour per case for evidence management and handling.

Total minimum anticipated cost for this type of offense

\$18,911.48

DOMESTIC VIOLENCE/HOMICIDE

In this study period, the Nampa Police Department responded to one event of domestic violence which culminated in homicide. Homicide cases are labor intensive, long lasting cases. It is difficult to predict the number of hours involved in a homicide investigation. On scene investigation, administration, and public information officers all contribute a lot of time to the call. The follow-up investigation for the investigative team can take months or even years. Court time can extend for years after the incident. The estimate of cost is difficult to quantify for a case as complex as homicide. The estimates below are *very conservative estimates*.

- Primary patrol officer response and time on scene, 4 hours, 15 minutes.
- Assisting officer response and scene preservation, 8 hours.
- Public information officer response 2.5 hours.
- Investigators on scene investigation hours 12.
- Investigation team on duty hours, 160
- Crime scene officer, 4 hours
- Evidence booking and management hours 10
- Administrative officer response to scene (2) 3 hours
- Court overtime 40 hours (estimated, court appearances still possible)
- Evidence management (indefinite period of time, evidence held in perpetua)
100 hours

Minimum estimated cost to investigate this incident

\$7,500.53

SUMMARY

It is very difficult to quantify the cost of each alcohol related activity that an officer may engage in. It is an even more daunting task to account for each minute spent on each call. The time needed to write a report will vary immensely from officer to officer, depending on experience, speed in entering data and other factors. In complex cases especially, the amounts given are very, very conservative estimates. Domestic disturbance, DUI and homicide are labor intensive duties. The hourly and overtime rates are based upon entry level officer pay rates. Many officers that handle these incidents are not at entry level pay rates, the rates for these officers can be 25% higher than indicated and substantially higher for command personnel.

Costs for equipment, computer hardware, forensic materials and other items have not been included in this study. These type items are "stocked" items within the department and the cost for each would be difficult and time consuming to quantify for the purposes of this study.

Respectfully Submitted:



Lt. Bill Augsburg
Nampa Police Department



Colonel E.D. Strickfaden
Director

Idaho State Police

Service since 1939



Dirk Kempthorne
Governor

September 25, 2002

The Honorable Hal Bunderson
Idaho State Senator
582 River Heights Drive
Meridian, ID 83642

Dear Senator Bunderson:

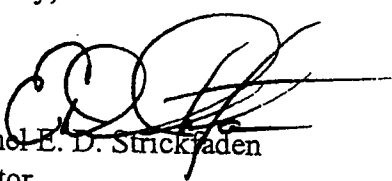
Enclosed is the alcohol/drug cost information you requested that we provide. I hope it will be useful in your deliberations.

It would seem that the users of alcohol, similar to the users of tobacco, should contribute toward the tremendous burden it places on the general taxpayer and strains on the resources of government.

An increase in a tax on beer and wine appears to be logical in the sense that users would be accountable for a larger portion of actual costs to the state for regulating and responding to the results of its use. The tax on beer was established at \$.15 per gallon in 1961. That amount, according to the Consumer Price Index, adjusted for inflation would be approximately \$.90 in 2002. The wine tax per gallon was set in 1971 at \$.45. Using the CPI to adjust for inflation, the amount would be \$2.00 in 2002.

As always, if we can be of further assistance, please feel free to contact me.

Sincerely,


Colonel E. D. Strickfaden
Director

Enclosure

cc: Majors w/encs.
Captains w/encs.

COPY

P.O. Box 700 Meridian, Idaho 83680-0700 • (208)884-7000 • Fax (208)884-7090

EQUAL OPPORTUNITY EMPLOYER

Total Estimated ISP Cost for Alcohol and/or Drugs in 2001

\$10.42 million per year—approximately 50% of which is drug related.

Estimated Patrol Costs for Alcohol Related Activities in 2001

Total value is approximately \$4.5 million per year, which is based on our best estimate of 25% of our budget less federal funds. Our experiential knowledge of the problem of alcohol use plays into many staffing decisions of the agency. Just knowing that late night brings additional calls and more drivers under the influence of alcohol causes us to keep more officers on the road than would otherwise be necessary during those hours.

We believe that alcohol and drugs are greatly under reported in traffic crashes. However, the reported numbers of fatality crashes involving alcohol are probably accurate. In 2001 there were 94 alcohol related fatalities. The Idaho Office of Highway Safety places a value of \$2.9 million dollars on each. Counting only fatality crashes results in a cost to society of over \$216 million each year.

Estimated Investigation Costs for Drug/Alcohol Related Activities in 2001

Estimates from experienced investigators are that 90% of crimes investigated by this agency are drug related (alcohol is a drug.). Our best estimate the percentage of crimes involving only alcohol is only a guess, since most violent crimes involve alcohol and drugs. Ninety percent of the Investigations budget is approximately \$5 million.

Estimated Costs of Alcohol Related Training

\$50,570 in instruction directly related to alcohol/drugs. In addition, there is much training that is general in nature that provides skills for dealing with people who violate laws, including those related to alcohol and drugs.

Estimated Alcohol Related Costs to Forensics

Cost of time spent on alcohol related work is about \$48,144. Controlled substance tests require about \$411,500 in time spent. There are additional costs when the special and costly equipment and supplies for conducting the necessary analyses are considered.

Alcohol Beverage Control

The entire \$426,121 budget of the ABC is strictly for the enforcement of alcohol regulations in Idaho.

The following pages are the result of research conducted by the ISP Statistical Analysis Center. The work reports on all crime in Idaho in 2001. Please note that surveys show that crime is often underreported and that alcohol use in the crime that is reported is itself underreported.

Total Estimated ISP Cost for Alcohol and/or Drugs in 2001

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The Role of Alcohol in Law Enforcement 2001

The effect of alcohol in criminal activity as it relates to law enforcement can be indirectly measured by the relationship between incidents of crime and offenders suspected of using or being under the influence of alcoholic substances at the time of committing the offenses.

Alcohol and Crime

In the year 2001, approximately 20,380 incidents of crime or alcohol related arrests were documented by law enforcement agencies across the state.

Alcohol related incidents are summarized in four groups: a) incidents of crime; the combination of crimes against people, property, and society, b) arrests for driving under the influence, c) arrests for drunkenness, and d) arrests for liquor law violations, as described below.

- 4,557 were incidents of crime
- 9,897 were arrests for driving under the influence
- 240 were arrests for drunkenness
- 5,686 were arrests for liquor law violations

Alcohol and Accidents. In addition to incidents of crime, accidents or crashes involving an impaired driver were approximately 1,655.

In this year, 2001, approximately 16% of all collisions involved an impaired driver, and just over 36% of all fatalities were the result of impaired driver collisions.

- All fatal and injury collisions 9,456
 - *Alcohol related:*
 - Fatalities 94
 - Serious injuries 312
 - Visible injuries 663
 - Possible injuries 440

Crimes Against Property. The incidents of crime against property, where the offender was suspected of using alcohol in the commission of crime were 688. Of these, 315 were incidents of vandalism, 285 were incidents of larceny/theft and burglary, and 88 were other type of property crime, see Table 1.

Crimes Against Persons. In approximately 13.8% of crime against persons, the offender was suspected of using alcohol at the time of committing the crime. This alcohol-crime relation represents 2,436 crimes of simple and aggravated assault, 182 crimes of sexual assault and 2 or 6.7% of all murder cases.

Crimes Against Society. Incidents involving offenders suspected of using alcohol at the time of committing the offenses were estimated to be 1,149 or 9.4% of all crimes against society. The bulk of crimes against society were offenses of drugs/narcotics and drug equipment.

The Table 1 below summarizes information for the year 2001, listing most types of crime by areas and the number and percent of incidents involving alcohol. The overall ratio of all crime to incidents where alcohol was present was 5.1%.

Table 1
Incidents Reporting Offender(s) Suspected of Using Alcohol
During Commission of Crime in 2001

| Type of Crime | Total Crime | Alcohol Related* | % Alcohol Related |
|--------------------------------|---------------|------------------|-------------------|
| Crime Against Persons | 19,530 | 2,702 | 13.8% |
| Aggravated Assault | 2,492 | 439 | 17.6% |
| Simple Assault | 13,525 | 1,996 | 14.8% |
| Sexual Offenses | 1,767 | 182 | 10.3% |
| Murder | 30 | 2 | 6.7% |
| Other | 1,716 | 83 | 4.8% |
| Crimes Against Property | 57,071 | 688 | 1.2% |
| Vandalism | 14,027 | 317 | 2.3% |
| Larceny/Theft | 28,070 | 210 | 0.7% |
| Burglary | 7,219 | 75 | |
| Stolen Property | 461 | 20 | 4.3% |
| Robbery | 246 | 17 | 6.9% |
| Motor Vehicle Theft | 2,320 | 32 | 1.4% |
| Other | 4,728 | 17 | 0.4% |
| Crimes Against Society | 12,197 | 1,149 | 9.4% |
| Drug/Narcotic | 5,780 | 497 | 8.6% |
| Drug Equipment | 5,229 | 501 | 9.6% |
| Weapon Law Violations | 1,139 | 149 | 13.1% |
| Other | 49 | 2 | 4.1% |
| Total Crime | 88,798 | 4,539 | 5.1% |

*These figures exclude offenders suspected of using only drugs at the time of the incident

Independent Studies

Several studies about crime and victimization in Idaho suggest that property crime is the most reported to police, and domestic violence and child sexual abuse the least reported. Additional findings on domestic violence, child abuse, and violent crime, indicate a closer relationship between offenders and the use of alcohol and drugs in the commission of crime. Results from these studies estimate the following general findings.

Domestic Violence. Only 17% of incidents of domestic violence are reported to the police.

- About 42% of cases of domestic violence involve offenders using alcohol or other drugs while committing the crime.

Child Abuse. 47% of incidents of physical harm/neglect and 66% of sexual abuse are reported to the police.

- 17.2% of child abuse offenders were under the influence of alcohol or drugs at the time of committing the offenses.

Violent Crime. The rate of violent crime reported to police falls between 45% to 67%, depending upon type or severity of crime.

- Approximately 33% of all violent crime offenders were under the influence of alcohol or drugs at the time of the offense.

Remarks

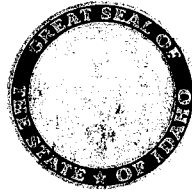
The use of alcohol in the commission of crime is greater than the ratios or percentages documented by police reports. Traditionally, people involved in crime tend not to report crime to police, particularly when crime involves intimate relationships.

The percent of crime from police reports does not account for all incidents of crime involving alcohol, except for those when offenders were known. Therefore, the percent of crime related to use of alcohol, as shown in Table 1, underestimates the ratios of alcohol use in the commission of crime, further substantiated by independent studies that suggest alcohol and drugs play a much greater role in crime than police reports show.

References

1. Crime in Idaho 2001. Uniform Crime Reporting, Bureau of Criminal Identification
2. Idaho Traffic Collisions 2001. Idaho Transportation Department
3. Idaho Crime and Victimization Survey 2000. Stohr, Vazquez, *et al.*

THE STATE OF IDAHO
SUPREME COURT



PATRICIA TOBIAS
ADMINISTRATIVE DIRECTOR OF THE COURTS

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November 15, 2002

Senator Hal Bunderson
582 River Heights Drive
Meridian, Idaho 83642

Dear Senator Bunderson:

You requested that the Idaho courts perform an evaluation and quantify the cost effects of alcohol abuse (and other substance abuse) on the Idaho courts. In capturing this information, you requested that the most recent data be used and/or if precise information is not available, that we use an educated judgment as to the cost of the alcohol problem in the courts, providing written underlying assumptions to accompany such judgments.

The Idaho courts, of course, take no position on the "equity and taxation" issues that you raised in your letter of request. This response merely provides data and information as to the cost impact of alcohol abuse on the courts. In addition to any data on the costs of alcohol abuse on the courts, you asked us to share concerns on the day-to-day impacts that alcohol abuse has on the courts, whether it be DUI cases, domestic violence, child abuse, criminal offenses, underage drinking, child abuse and neglect, truancy, family law cases, and other matters presented to the court.

Promising Results of Drug Courts and other "Problem-Solving" Courts

Despite recent budget cutbacks and declining revenues, Idaho courts continue to urge as its number one legislative priority that substance abuse assessment, treatment, and alternatives be funded at least at the same levels. Innovative solutions such as drug courts and other "problem solving" courts continue to provide promising results with both juvenile and criminal offenders, reverse the upward trend of drug-related crime, and reduce the increasing jail and prison populations and adverse impact on Idaho children. The Idaho Drug Court Act – as recommended by the Idaho courts, endorsed by Governor Kempthorne, and enacted by the Idaho Legislature in 2000 – is reducing the overcrowding of jails and prisons, reducing alcohol and drug abuse and dependency among criminal and juvenile offenders, and promoting effective interaction and use of resources among the courts, justice personnel, and community agencies.

Drug Courts have now been expanded to each of the seven judicial districts in Idaho, and are holding alcohol or drug involved offenders accountable for their criminal behavior, while also providing effective treatment, drug testing, and rehabilitation. Twenty-eight drug courts are now operating, supervising over 600 offenders in every judicial district of the state, working with adult felony and misdemeanor offenders, as well as juvenile offenders. Idaho drug courts are providing effective community supervision of participants, while providing the treatment, drug testing, and rehabilitation necessary to restore them to drug-free, productive and tax-paying lives, while saving substantially more than their operational costs. Further, about one-third of our youth courts funded through Idaho Millennium Funds address substance abuse offenses.

Cost Impact of Alcohol Abuse / Substance Abuse on the Idaho Courts

A spreadsheet has been prepared that identifies the actual totals of cases filed in 2001 in both the magistrate division and the district court; an estimate of the percent of each of those case categories which involve alcohol or substance abuse as a major factor; the total percent of resources spent on each case type; the county and city costs to fund the magistrate division and district court; and state general and other funds that support the magistrate division and district court.

A number of judges and court administrators were interviewed to obtain the “educated judgment factor” as to the costs of the alcohol problem. Some of the estimates could likely be significantly higher, while others could be adjusted downward. Together they provide, in my view, a conservative estimate of \$37.5-million which reflects the cost impact of civil, juvenile, or criminal actions filed in the courts attributable to alcohol or substance abuse.

These costs represent both state general fund appropriations, as well as county budget support to the courts. Given the variation in county budgets, this again is a conservative estimate because it only identifies the actual costs reflected in county budgets. These estimates do not include any costs from county sheriffs, law enforcement, or jail administration, or from the prosecutor’s office. Some county public defender costs are included.

These estimates also do not include costs required to perform alcohol and drug evaluations, mandated by statute. There is some sentiment that these evaluations no longer provide useful information to the judges in all cases, and that legislation should be considered to eliminate this redundant requirement.

Day-to-Day Alcohol Abuse Impacts on the Courts

All judges deal with alcohol abuse and resulting cases filed in the Idaho court system on a daily basis. Our research and data confirm that alcohol and other substance abuse plays a major role in the number of domestic violence cases filed, and juvenile and criminal cases filed, and child

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abuse and neglect proceedings, as well as divorce, child support, and custody and visitation matters. On the criminal and juvenile side, the impacts are clear, i.e., crimes are committed, punishment is meted out, costs of incarceration increase, and until the underlying substance abuse problem is resolved, the "revolving door" of the criminal justice system will see these juvenile and criminal offenders again. The Judiciary continues to urge that substance abuse assessment, treatment, and alternatives as a priority for state and local governments. Criminogenic risk needs assessments must continue to provide information and data to decision makers. Community-based treatment programs must be available and expanded. Regular and on-going collaboration among the Departments of Correction, Juvenile Corrections, Health & Welfare, and the Idaho courts, as well as community substance abuse treatment providers, and relevant rehabilitation agencies must continue in an organized fashion to design and deliver comprehensive treatment services to end "the revolving door" of the Idaho criminal and juvenile justice systems. Community based treatment programs – ranging from intensive outpatient to inpatient, along with detox facilities – must be maintained and, revenues permitting, expanded. Individualized treatment is essential to achieve success, and cannot be a one-size-fits-all design. Studies in other jurisdictions have demonstrated not only effective individual offender outcomes, but cost-savings to the taxpayers as much as \$11 for every \$1 invested in substance abuse treatment.

If you have any further questions or if we can provide further explanation of the costs and resource estimates, please contact me at (208) 334-2246. Also attached for your reference are recent copies of alternative sentencing recommendations of district judges.

Sincerely,



Patricia Tobias
Administrative Director of the Courts

PT/st

Attachments:

- Estimated Substance Abuse Costs on the Idaho Court System
- Alternative Sentencing Reports

cc: Cathy Holland-Smith

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ALCOHOL AND SUBSTANCE ABUSE COSTS

| Magistrate Division | | | | | | | District Court | | | | | | |
|----------------------------------|-------------------------------------|---|--|--|--|--|-----------------------------------|---|--|---|--|--|--|
| CASE TYPE | 2001 Total Magistrate Court Filings | Percent of cases Alcohol or Substance Abuse the Major Factor ¹ | Cases with Alcohol or Substance Abuse the Major Factor | Total Percent of Resources Spent on Case type ² | County and City Costs to Run the Magistrate Court ³ | Supreme Court Budgets to Run the Magistrate Court ⁴ | 2001 Total District Court Filings | Percent of cases Alcohol or Substance Abuse the Major Factor ¹ | Cases with Alcohol or Substance Abuse the Major Factor | Total Percent of Resources Spent on Casetype ² | County and City Costs to Run the District Court ³ | Supreme Court Budgets to Run the District Court ⁴ | |
| | | | | | \$34,352,501 | \$11,916,400 | | | | | \$14,722,501 | \$11,692,100 | |
| Domestic Violence | 5,723 | 77% | 4,407 | 8% | \$2,116,114 | \$734,050 | | | 0 | 0% | \$0 | | |
| Domestic Relations | 12,011 | 36% | 4,324 | 23% | \$2,844,387 | \$986,678 | 28 | 6% | 2 | 0% | \$0 | | |
| Personal Inj/Property Damage | 97 | 1% | 1 | 3% | \$10,306 | \$3,575 | 1,617 | 6% | 97 | 24% | \$212,004 | \$168,366 | |
| Support Proceedings | 1,150 | 4% | 46 | 2% | \$27,482 | \$9,533 | | | 0 | 0% | \$0 | | |
| Other Complaints/Petitions | 34,630 | 4% | 1,385 | 5% | \$68,705 | \$23,833 | 5,086 | 6% | 305 | 24% | \$212,004 | \$168,366 | |
| Small Claims | 20,887 | 1% | 209 | 3% | \$10,306 | \$3,575 | 5 | 6% | 0 | 0% | \$0 | | |
| Total Civil Filings | 74,498 | | 10372 | 36% | \$5,077,300 | \$1,761,244 | 6,736 | | 404 | 48% | \$424,008 | \$336,732 | |
| Felonies -- Drug | 2,918 | 100% | 2,918 | 3% | \$1,030,575 | \$357,492 | 2,927 | 100% | 2,927 | 25% | \$3,680,625 | \$2,923,025 | |
| Felonies -- DUI | 620 | 100% | 620 | 2% | \$687,050 | \$238,328 | 572 | 100% | 572 | 0% | \$36,806 | \$29,230 | |
| Felonies -- All Other | 5,981 | 100% | 5,981 | 5% | \$1,717,625 | \$595,820 | 7,195 | 100% | 7,195 | 25% | \$3,680,625 | \$2,923,025 | |
| Misdemeanor -- Drug | 5,660 | 100% | 5,660 | 11% | \$3,778,775 | \$1,310,804 | 66 | 100% | 66 | 0% | \$36,806 | \$29,230 | |
| Misdemeanor -- DUI | 11,444 | 100% | 11,444 | 8% | \$2,748,200 | \$953,312 | 55 | 100% | 55 | 0% | \$36,806 | \$29,230 | |
| Misdemeanor -- Motor Vehicle | 37,076 | 4% | 1,483 | 8% | \$109,928 | \$38,132 | 14 | 4% | 1 | 0% | \$1,472 | \$1,169 | |
| Misdemeanor -- All Other | 72,879 | 27% | 19,677 | 8% | \$742,014 | \$257,394 | 366 | 27% | 99 | 0% | \$9,938 | \$7,892 | |
| Infractions | 243,295 | 1% | 2,433 | 7% | \$24,047 | \$8,341 | 5 | 1% | 0 | 0% | \$0 | | |
| Juvenile Correction Act | 13,725 | 45% | 6,176 | 6% | 927,518 | 321,743 | 16 | 45% | 7 | 0% | \$0 | | |
| Child Protective Act | 1,411 | 45% | 635 | 3% | \$463,759 | \$160,871 | 1 | 3% | 0 | 0% | \$0 | | |
| All Other | 13,768 | 1% | 138 | 3% | \$10,306 | \$3,575 | 526 | 3% | 16 | 0% | \$1,104 | \$877 | |
| Total Criminal and Special Cases | 408,777 | | 57165 | 64% | \$12,239,796 | \$4,245,813 | 11,743 | | 10937 | 52% | \$7,484,183 | \$5,943,679 | |
| Grand Total | 483,275 | | 67,537 | 100% | \$17,317,096 | \$6,007,057 | 18,479 | | 11,342 | 100% | \$7,908,191 | \$6,280,412 | |

¹ Percentages are estimates from Judge Swanson, Judge Dennard, Judge Brower, Judge Woodland and Judge Gutierrez

² Percentage are estimates from Dan Kessler, Burt Butler and Corrie Keller

³ Dollars come from Trial Court Finance Report of \$49,075,002 with 70% to Magistrate Court and 30% to District Court

⁴ Supreme Court FY2003 Budget

District Judges Report on Sentencing Alternatives

January 2000

The District Judges met in January 2000 as part of their annual District Judges Seminar. Included on the Seminar agenda was a program on "What Works in Correctional Programming," and a tour of the new penitentiary and work center. In discussions following, district judges recommended the following:

- ♦ Expand the retained jurisdiction program.
- ♦ More programs and treatment available in the penitentiary -- the more comprehensive the better -- including, reading and writing.
- ♦ More drug treatment programs as an alternative to incarceration. If drug treatment programs were available in the community, they would be widely used.
- ♦ Sex offender treatment programs need to be available.
- ♦ Department of Correction facilities need to be "drug free work environments."

An earlier report on sentencing alternatives, dated November 1996, by the District Judges, is attached. This report still reflects the thinking of District Judges today.

A number of drug courts have been established in Idaho, with promising success. To date, the drug courts have been established with federal dollars. The Legislature should monitor and examine the success of these drug courts, with an eye toward diverting a small portion of the Correction budget to expanding the availability of drug courts.

*** As adopted by the Administrative Conference on April 21, 2000 ***

REPORT TO THE GOVERNOR ON SENTENCING ALTERNATIVES

by District Judges

November 18, 1996

INTRODUCTION

In 1995 you appointed a Task Force for Sentencing Alternatives to study alternative solutions to Idaho's burgeoning prison population. The Supreme Court named District Judges William H. Woodland and Gerald L. Weston, as well as Patti Tobias, the Administrative Director of the Courts, to serve as judicial advisors to the committee. Prior to the meeting of the Sentence Alternative Task Force, an informal poll was conducted of all the District Judges by the Court's representatives to the Task Force. The purpose of the poll was to learn what each district judge felt was a useful alternative sentence program that could be instituted or expanded in order to reduce the number of defendants sentenced to straight prison incarceration. This informal poll resulted in a statistical compilation of the perceived usefulness of each of various alternative sentence programs.

Recently, you asked the Chief Justice to expand the Court's Alternative Sentencing recommendations. In response to this request, the District Judges were again polled but instead of being asked to indicate which programs they thought were useful, the judges were asked to describe two or three programs that they thought would be most useful. It is hoped that this format would be more meaningful than a statistical compilation. The following is a summary of their comments.

STATE SPONSORED DRUG/ALCOHOL TREATMENT

The judges are single minded in their perception that drug and alcohol addiction is the largest problem facing the courts (if not the whole of society). Drug and alcohol addiction impacts the court system, both in sentencing decisions and in the crowding of court calendars.

One judge wrote that *"I have observed that the majority of the criminal cases involve some form of substance abuse problem (alcohol or drugs). As a result, the substance abuse problem takes up enormous amounts of resources which in reality do not*

address the real needs, which include education, treatment and counseling."

Another judge observed that *"drug and alcohol treatment should be offered at every institution . . . many serious drug abusers can't get into the existing programs. Right now, there is no realistically available long-term, in-patient drug treatment program."*

A third judge suggested a *"secure facility run by the Department of Corrections that deals solely with defendants with chemical dependencies"* followed by treatment at a regional work center.

In the judges' view, at the present time the State of Idaho devotes very little effort and few resources to state sponsored drug treatment when compared to the enormity of the problem. The district judges believe that a concerted expansion of residential drug treatment programs would help take people out of the correctional system and create long-term cost savings. Substance abuse programs should be expanded in all of the penal institutions. A number of district judges voiced support for the specialized handling of drug offenders, focusing on the education, treatment and counseling of the defendant, as well as having more specialized groups of probation officers trained and skilled in this area.

EXPAND THE DEPARTMENT OF PROBATION AND PAROLE

Another area of general agreement among the district judges is the perceived need for the expansion of probation and parole staff and programs. As one judge stated: *"Effective probation can be an inexpensive way of fulfilling our objectives of sentencing. We need to concentrate on effective substance abuse programs, sexual offenders' programs, and a sufficient number of well-trained probation officers."*

Another judge observed that *"I believe that the type of cases we hear at the District Court lend themselves either to incarceration or to a very strict probation. I do not think that anything else would be effective. It would therefore be my suggestion that the resources available to the Department of Corrections in the form of additional probation officers is the best way to handle the problems that we are currently facing."*

The statute setting forth the criteria for probation (I.C. § 19-2520) indicates that a person should only be put on probation when "supervision, guidance, assistance or direction is needed that the probation service has the resources to provide." The ability to provide those services is tied directly to the number of probation officers available. Unless the judge is dealing with a defendant who needs to go to the penitentiary for punishment or

to protect the public, the court is faced with the problem of deciding how to lead the defendant to modify his conduct. This is usually a difficult task and requires close monitoring and supervision. The system for monitoring and supervising a defendant

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that costs the least is probation. Intensive probation programs should be expanded; specialized caseloads for probation officers may also permit more careful supervision of defendants and the requirements of their probation, i.e., drug testing, etc. that are tailored to the defendant's problems.

INCREASED RETAINED JURISDICTION FACILITIES

"I find that the most successful sentencing alternative is retaining jurisdiction and sending the defendant to the Cottonwood program. There some basic life skills are taught as well as some help with drug or alcohol problems. However, it often takes a month or better before a bed is available at Cottonwood."

Another district judge stated, *"The Retained Jurisdiction Boot Camp approach currently at Cottonwood appears to be the single most effective program designed to change the behavior of younger offenders. Both an expansion of facilities as well as an expansion of the length of the retained jurisdiction program is needed."*

Another judge observed: *"[The retained jurisdiction program] needs to accommodate the increased number of cases which could benefit from the structured and supportive environment so desperately needed by first time offenders and younger defendants. For many it is their last chance to redirect their lives."*

District judges believe that the *"retained jurisdiction facilities have offered some of the best alternatives available in the State of Idaho."* The program should be expanded so that prisoners are not waiting in county jails until space is available but rather immediately transported to the facility.

The defendant who is successful in the program spends a maximum of 180 days in the State correctional facility. This is one half of the minimum fixed time ordered in the overwhelming majority of the cases in which the defendant is sentenced to the penitentiary. The cost savings are great; more importantly, the benefits are great. The closely supervised incarceration coupled with the focus on responsibility and accountability appear to have a lasting impact on the defendant. District judges favor an expansion of this type of facility throughout the state. Some district judges also recommended that the retained jurisdiction program be expanded to include specialized programs for sexual offenders, substance abuse problems and other needs.

REGIONAL WORK CAMPS

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Several judges also expressed a need for regional work camps or regional work-out facilities. This would allow a defendant to be incarcerated while he addresses an alcohol or drug problem but at the same time, it allows the defendant to work at regular employment during the day or at a contract job assigned to him by the State. This program requires the defendant to pay a part of the incarceration costs and furnish funds for the family at the same time. It also teaches the defendant to acquire job skills or discipline. These sorts of programs have both long term and short term benefits, and provides an intermediate option between prisons and probation.

More beds need to be available, for longer periods of time, and they must be available at the time of sentencing. One judge noted *"the quicker the imposition of sentence, the more effect it has. Frankly, you can do less (resulting in less expense) if you do what you're going to do quickly."*

OTHER CONCERNS

An area of increasing concern is the commission of violent crimes by juveniles. While there has been recent focus on this area by the State of Idaho, there is no existing facility for the truly violent juvenile. Because of their age and physical immaturity, they cannot be placed in an adult penal facility; because of their violence they cannot be placed with other non-violent juveniles in St. Anthony. Some of the district judges see a need for a small facility for the housing of the violent juvenile.

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CONCLUSION

The number of criminal cases filed, as well as the number of drug cases filed, have increased dramatically over the last ten (10) years.

| Criminal Cases Filed | |
|-----------------------------|--------|
| District Court | |
| 1986 | 4,570 |
| 1990 | 6,392 |
| 1995 | 10,750 |

A 135% increase in 10 years.

| Felony Drug Cases Filed | |
|--------------------------------|-------|
| District Court | |
| 1986 | 415 |
| 1990 | 617 |
| 1995 | 1,737 |

A 318% increase in 10 years.

With the ever increasing crime rate and number of criminal cases filed in the district courts, the housing and supervision of convicted felons is an enormous problem. There are many convicted felons who need to be taken off the streets for the safety of the public. A penitentiary serves that purpose for that type of criminal. But not every criminal needs that type of incarceration. The response of the District Judges to the poll on alternative sentencing strongly suggests that the penal system also give attention to the correction of problems that brought the defendant into the criminal justice system in the first place. This may not result in short term cost savings, but will reduce costs in the long term.